

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GEORGE-JASON A. HELM,

Plaintiff,

NO. C09-5381 RJB/KLS

V.

MICHAEL HUGHES, JANET GAINES,
and SEAN MURPHY,

Defendants.

ORDER DIRECTING SUPPLEMENTAL BRIEFING

Presently before the court is the Motion for Summary Judgment of Defendants

Michael Hughes, Karen Gaines, and Sean Murphy. ECF No. 30. Having reviewed the motion, Plaintiff's response (ECF No. 33), Defendants' reply (ECF No. 32), and Plaintiff's second response (ECF No. 33), the court finds that requires additional briefing from the parties before a recommendation on the summary judgment may be made.

Defendants are directed to supplement their motion to address the issue of what legitimate penological interests are furthered by a regulation prohibiting threats in a written grievance. Plaintiff shall be given an opportunity to respond.

Accordingly, it is **ORDERED**:

(1) Defendants shall file their supplemental brief and/or evidence in support of their motion for summary judgment (ECF No. 30) to address only the issue identified herein **on or before November 22, 2010**. Plaintiff may file a response **on or before December 13, 2010**. Defendants may file a reply **on or before December 17, 2010**.

(2) The Clerk shall **strike** the noting date of Defendants' motion for summary judgment (ECF No. 30) and shall **re-note** the motion for **December 17, 2010**.

(3) The Clerk of the Court is directed to send copies of this Order to Plaintiff and counsel for Defendants.

DATED this 4th day of November, 2010.

Keen L. Stromberg

Karen L. Strombom
United States Magistrate Judge